

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of) DOCKET NO. 940402-TL
tariff filing to introduce Video) ORDER NO. PSC-95-0246-FOF-TL
Connect Service by GTE FLORIDA) ISSUED: February 22, 1995
INCORPORATED. (T-94-220 filed)
4/19/94))
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER CLOSING DOCKET

BY THE COMMISSION:

On April 19, 1994, GTE Florida Incorporated (GTEFL or Company) filed proposed revisions to its General Subscriber Service Tariff to introduce Video Connect Service. Video Connect Service is a new service that provides the movement, management, and control of moving pictures or video frames of information along with associated audio. The proposed revisions were considered at the June 23, 1994, Agenda Conference. At that time, the Florida Cable Telecommunications Association (FCTA) argued that the proposed tariff should be denied, or at least suspended. FCTA argued that this new service had broad policy implications. Specifically, FCTA suggested that the Commission had not viewed this service in context of the following:

1. Docket No. 930046 - Investigation into which LEC services are effectively competitive
2. Staff workshops to develop competition
3. Docket No. 910757 - Investigation into safeguards required to prevent cross-subsidization by telephone companies
4. Docket No. 920188 - Application for a rate increase by GTEFL
5. GTEFL's Video Dial Tone tariff filing with the FCC.

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While we were not persuaded to deny or suspend the operational date of the tariff, we were concerned about the issues raised by FCTA. As a result, we approved the tariff, effective June 27, 1994, and, on our own motion, set the matter for hearing. See Order No. PSC-94-0835-FOF-TL, issued on July 11, 1994. On July 15, 1994, we issued Amendatory Order No. PSC-94-0835A-FOF-TL to clarify that if a protest was filed, this tariff would remain in effect with any increase held subject to refund pending the resolution of the protest. Although the matter was set for hearing, FCTA filed a formal protest of Order No. PSC-94-0835-FOF-TL on August 1, 1994. Finally, by letter dated January 20, 1995, GTEFL and FCTA notified the Commission of its joint recommendation to close this docket.

Certain developments since the agenda conference have provided FCTA and GTEFL with reservations regarding the usefulness of a hearing in this case. Particularly, there is an ongoing proceeding in Docket No. 930046-TL to determine which services are effectively competitive under existing law. In Order No. PSC-94-1286-FOF-TP, issued on October 17, 1994, "video transport services" was listed among the group of services to be examined. FCTA and GTEFL agree that FCTA's generic concerns arising from the Video Connect tariff fall within the bounds of the effectively competitive services proceeding, and can be adequately addressed in that docket. In addition, FCTA and GTEFL recognize that FCTA's more specific concerns regarding the cost support data for the tariff may be raised in conjunction with GTEFL's next MMFR filing.

Since FCTA will have these other opportunities to present its concerns about Video Connect Service, both FCTA and GTEFL believe that proceeding to hearing on this tariff would not be an efficient use of resources. Therefore, to avoid duplicative effort, GTEFL and FCTA recommend that the Commission close this docket.

We agree with GTEFL and FCTA that the issues raised would best be addressed in the effectively competitive docket and the next GTEFL MMFR Filing. Therefore, since FCTA will have the opportunity to address its concerns in these proceedings, we will close this docket. In the interim, pursuant to Order No. PSC-94-0835-FOF-TL, GTEFL is required to maintain cost support data and have it readily available upon request by the Commission.

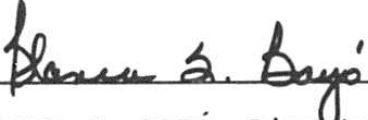
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that this docket is hereby closed. It is further

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ORDERED that pursuant to Order No. PSC-94-0835-FOF-TL, GTEFL is required to maintain cost support data and have it readily available upon request by the Commission.

By ORDER of the Florida Public Service Commission, this 22nd day of February, 1995.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

MMB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.